WD2239.B490.

App.F.IX-4]

1924.

File No. 280 -24

Previous References. (Courts)

Serial Nos. 1-3

Later references.
Nos 49-26 (1-2)

GENERAL & REVENUE SECRETARIAT

Serial Nos. 3

Part B for July 1928.

SUBJECT

Permission to Mr R.P. Mallappa, Special Magistrate, Closepet to reside in Bangalore and attend court at Closepet.

Nop. 3308 dy 22.7-28

Home Regr Chief Court

points out that such permission can be granted only by Govt and requests that the previous approval of Govt may be obtained in future before permitting Magistrates to reside outside their Head quarters

Ramaswamy Iyengar
17/8/28

G. R. S. 11] 1924-25

GENERAL AND REVENUE SECRETARIAT.

(C)

NOTES.

File No. 280

FILE HEADING.

Permission to Mr. R.P. Mahappa Special Second Grade Magistrate, Belagavi to reside in Bangalore and attend Court at Belagavi

From

The Registrar Belgaum Court

Roc No. 1347 Dated 21-5-1925 Received 23-5-25

Diary No. 5028	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Intimates that the Belgaum court has provisionally permitted Mr R P Mahappa to reside in Bangalore and attend to his work at Belagavi for a short period of 15 days pending a report from the District magistrate in the matter of his representation

NOTES AND ORDERS.

1) Submitted for perusal. The result of further report may be awaited

2) An enquiry of Mr Mahappa not being able to find suitable house to live in at Belagavi, and pending a formal communication through the Dt magte to

24/5/25 Asst

NOTES—First Sheet.

Serial No.

the chief Court has provisionally permitted him Mahappa to live at Bangalore and attend to his work at Cuddapah.

3) The chief Court does not seem to have authority to permit the magistrate as they have done. Under Section 12 Cr. Pro. Code all magistrates are appointed by Govt. Under Section 17 Cr. Pro. Code the magistrate is subordinate to the Sessions Judge and the Sessions Judge is subordinate to Govt.

4) Under Section 4 (f) the Chief Court is defined as the highest Court of criminal appeal or revision for Mysore.

Under Section 554 the chief Court is given power to make certain rules subject to the Sanction of Govt.

The chief Court is also given power to transfer cases under Section 526.

Under Section 10 of the Chief Court Regulation the chief Court is the highest Court of Civil & Criminal Appeal, reference and revision and all subordinate Civil & Criminal Courts are subject to its Control and Superintendence.

The Scheme of Criminal Procedure Code seems to vest in a magistrate executive and judicial functions. The Sections enumerated above go to show that the Control of the chief Court over the magistracy is only with

NOTE—Contn. Sheet

Serial No.

regard to the Court House. This is also clear the only power vested in the Chief Court under Section 10 of the Chief Court Regulation.

With regard to the executive functions, the Dt Magistrate has control over the subordinate magistrate and the Chief Court have none whatever.

The administrative control over rests vests in Govt. The powers of appointment (Section 12 Cr. Procedure) Suspension and removal ~~Vest in~~ (Section 526) Vest in the Govt.

5) It is therefore for consideration whether the Chief Court have power rights ~~exercised~~ passed this administrative order ~~order~~ of authorising Mr Mahappa to reside outside his jurisdiction.

7) This power if conceded to the Chief Court would result in dual control which may not be conducive to administrative efficiency. For a magistrate who is specially posted by Govt to preserve peace may ~~be made~~ to leave his duty getting an order from the Chief Court to remain elsewhere.

8) Rule 40 of Mysore Service Regulations seems also to lie in point. ~~Subject~~

641/27.5 [illegible] 18/5/27

26/5 Secy, [illegible] 27/5

NOTE—Contn. Sheet

General and Revenue Secretariat.

File No. 280 of 1924-25

Serial No.

DEWAN'S OFFICE.
RECD. ON 29. MAY 1925
Reg. No. 9014

NOTE—Contn. Sheet

Serial No.

it is desirable that they should be informed of it. so that they may not repeat in another case that they have taken in this present case.

From the terms of the Regn letter it would appear that the Chief Court considers that it has power to permit appeals to be preferred outside their jurisdiction, whereas Mr Lang's opinion is that

2/6/25

Dewan

1) Type. The matter

5/6.

2) Lapse. Mr Mead

5/6

3)

4)

5)

6) (4th member)

8/7

7)

8) A Secretariat draft be laid before Chief Court may be prepared by

CS/7

9)

10)

11)

12)

13)

14)

15)

16)

17)

18)

19)

20)

21) Draft attached

14/7/25

22) Revised Please type the draft

CS 15/7

NOTE—Contn. Sheet

5176A 6

General and Revenue Secretariat. | C/5 File No. 280 of 1924-25.

Serial No

From

Mr Regr Chief Court letter no D, Dis 291 3 1.6.25

State that as the (D) Dis Bangalore and the Chief Court consider it inexpedient that a Sessions Magistrate should ordinary reside at this Headquarters Mr Mallappa has been informed that he must manage to reside in the premises occupied by his predecessor in office or in such other premises as he can secure at Closepet linked

The previous papers have been submitted to the Dewan on 29/5 (Vide D no. 50 28) This may be sent in Continuation if approved

3/6/25

Dewans orders have been rcd & the file is now sent to the I Member This will be sent along with that file when rcd

5/6

Since the order of the Dewan and the minute of the 1st member on the linked file, this communication is received from the Chief Court, stating that they have ordered the Special Magistrate to ~~live~~ reside at Closepet, Cancelling the original order. Submitted for personal.

Good

1st Mr

28/5/6

8/6

15/6

L 16.6

22/16.6

NOTE—Contn. Sheet

27v

G.B.S. III-2] 7

D ...—Gr.B—10.000—21-4-25

General and Revenue Secretariat.

Ch. File No. 280 of 19 24

Serial No.

This may be submitted to Dewan
ni. Cont" & my previous minute on
the subject. (Initial)

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REC. 23 JUN 192
Reg 9450

24/6
24/6
28/6

Dewan)

Yours sin
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5028

(6)

G. R. S. III-2,

General and Revenue Secretariat.

File No. 980 of 19 24

Serial No.	
2)	Sent with a revised typed draft
	17/7/25 18 Asst 8/7 Chief 1st Asst 18/7
517/20-7	8-7 20-7 8/20-7
	Asst S 21/7 8-7 21-7 Asst 21/7
3	To the Regr. Chief Court D.o. letter no. 330 dy 22. 7. 25. With reference to S/ in the matter of granting permission to mr. Mallappa to reside in Banga lore points out that such permission can be granted only by Govt and requests that the previous approval of Govt may be obtained in future before permitting magistrates to reside outside their head quarters.

NOTE—Contn. sheet.

47754

5028/P 1

CHIEF COURT OF MYSORE

Telegraphic Address: "JUSTICE"

Bangalore, dated 21st May 1925.

Cs 280 - 24 - 1

R. & C. No. 1347/24-25

FROM

A. SREENIVASARAGAVACHARI, ESQ., B.,A., B.L.,
Registrar, Chief Court of Mysore.

The Secretary to Government,

Local and Legislative Departments,

Bangalore.

25/5/25

SIR,

I am directed to state that Mr. R.P. Mallappa, B.A.,LL.B., Special second grade Magistrate, Closèpet, reports that for want of a suitable house to dwell in at Closepet, he has been occupying one of the rooms in the Travellers' Bungalow there; but the Government have directed him to vacate it without delay, that he will be put to much difficulties when he vacates it and requests therefore that a recommendation may be made to Government for according him permission to remain in Bangalore and attend court at Closepet. It is reported that the bungalow occupied by his predecessors in office, is on ground over-grown with lentana, feverish and unhealthy and that the only other house available is inside the town and next the toddy shop As the reference made by him in the matter officially, has not yet been received in this office, and pending further consideration of the question on receipt of the opinion thereon of the District Magistrate, Bangalore, I am to intimate that the Chief Court has provisionally permitted Mr. Mallappa to reside in Bangalore and attend to his work at Closepet, for a short period of 15 days and that a further reference to Government will be made as soon as the report is received from the District Magistrate.

25/5

I have the honor to be,

Sir

Your most obedient servant.

A. Srinivasaraghavachari

Registrar.

48920

CHIEF COURT OF MYSORE.

Telegraphic Address: "JUSTICE"

Bangalore, dated 1st June 1925.

No. 29/24-25-

FROM.

A. SREENIVASARAGAVACHARI, Esq., B.,A., B.L.,
Registrar, Chief Court of Mysore.

GEN. & REV. SECTT. G. D. SECTION. 2. JUN. 1925

To

The Secretary to Government,
Local and Legislative Departments,
Bangalore.

Sir,

In continuation of my letter ROC.No.1347 of 24-25 dated the 21st May 1925, in the matter of permitting Mr. R. P. Mallappa, B.A., LL.B., Special Second Grade Magistrate Closepet, to reside in Bangalore and attend to his work at Closepet, for want of a suitable house at Closepet, for him to live in, I am directed to state for the information of Government that as the District Magistrate, Bangalore, and the Chief Court consider it imperative that a Special Magistrate should ordinarily reside at his Head Quarters,

Mr.

TD